

# ANNUAL REPORT 2011/2012



EMAB

ENVIRONMENTAL MONITORING ADVISORY BOARD

## LETTER FROM THE CHAIR

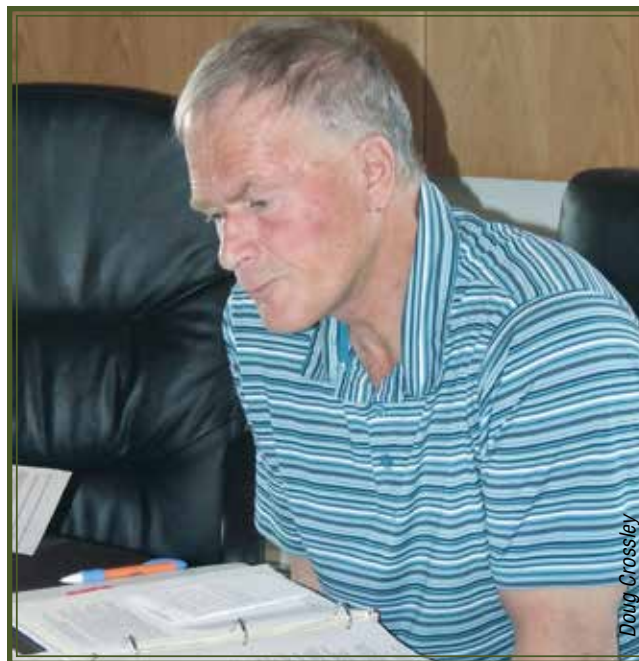
Transition and change mark the Environmental Monitoring Advisory Board's (EMAB) 12th year in operation.

After three difficult years involved in budget disputes with Diavik (involving former years, as well as the budget for 2011-2013), both parties negotiated an agreement that culminated in a document entitled "Business Rules." The document clarifies challenging areas of the Environmental Agreement (EA) regarding funding. We hope that this will enable both EMAB and Diavik to move forward in the coming years in a cooperative and positive manner.

As 2012 was the final year of EMAB's five-year strategic plan, we engaged in an extensive strategic planning process. The plan reflects efficient use of funding, based on an analysis of past years, input from Parties to the EA, as well as renewed dedication to the spirit of cooperation – a basic foundation of the EA. The intent of the strategic planning effort is to ensure, that after more than a decade in operation, we remain on the right track moving forward.

The past year was also noteworthy for the progress made regarding the use of Traditional Knowledge/Inuit Qaujimajatuqangit (TK/IQ) within Diavik environmental activities. We moved forward with several sessions, with our newly formed TK/IQ Panel, in relation to wildlife and closure. Diavik also moved forward with TK/IQ in relation to aquatic effects.

Finally, in June 2011, EMAB's long-time executive director resigned. We hired our new Executive Director in October 2011, and welcome him aboard.



This report outlines EMAB efforts over the 2011-2012 fiscal year and beyond. We encourage communication through our office should you have questions or require clarification.

Thank you,

Doug Crossley  
EMAB Chair

## WHAT HAVE WE DONE THIS YEAR?

The Environmental Monitoring Advisory Board welcomes questions and comments. Call us at 766.3682 Email us at: [emab3@northwestel.net](mailto:emab3@northwestel.net)

*Note: In order to keep readers updated some actions and information have been included in this report that took place after the end of the fiscal year (March 31, 2012).*

We continue to work with the people of the Affected Communities to help protect the environment around the Diavik mine site. As a public watchdog, EMAB's primary role is to ensure that Diavik and the regulators do what is necessary to protect the environment. The following summarizes major activities since April 2011. Details on all these activities can be found in the following pages.

**Leadership and Governance:** We hired a new Executive Director and developed business rules with Diavik in order to avoid future confusion regarding the EMAB budget. The Board dedicated a substantial amount of time on its new strategic plan for the years 2012 to 2017. Members toured the site in February 2012.

**Oversight and Monitoring:** We reviewed and commented on the: Aquatic Effects Monitoring Program (AEMP) version 3.0; 2011 AEMP Report; 2011 Wildlife Monitoring Program (WMP) Report; Interim Closure and Reclamation Plan (ICRP) 3.2; draft Air Quality Monitoring Program; and Risk Assessment of Caribou Exposure to Metals from Dust Deposition to Lichen.

**Aboriginal and Community Involvement:** We held a Traditional Knowledge/Inuit Qaujimajatuqangit (TK/IQ) workshop in May 2011, with invited guests from the Snap Lake Environmental Monitoring Agency's TK/IQ Panel. The objective was to gather enough information so that EMAB could move forward with the formation of a panel. We then held panel sessions in March and June of 2012 on the subject of caribou and closure, respectively.

**Communication:** We held our Annual General Meeting in October, where we released our annual report.



## OMANI OKIOKMI HAVAAGIHIMALIKTAVUT?

Nunaliit havakatigihimmaaktavut Diavik Oyagakhiokvianit kaninnighaoyot ekayuktugumaplogit nunagiyait hapomminahoagomaplogit amigihimmaaklogillo ehoanggitomit kanogilitailinighaitigot oyagakhiokvikmit. Tamainik amighinahoaktoogapta nunakaktunik Diavik oyagakhiokviat alatlo maligaghalioktit nunamik monaghitiaknnighakot pittiaklogo atokoyaoyonik malikativakmagaagita oyagakhiokvikmi. Naonaigotighat titigakhimayut havaagiloakpaktaptiknik April 2011-minggaat. Oinggaiyatiakhimayut titigakhimaplogit naonaigotighat titikani takoinnagialgit.

**Hivunighakhioknik Atanniktoinighakollo:** Havaktikaliktugut nutaamik Atanguyaoniaktuk ehoghailonilo nanminiktoknikot maligaknik Diavik-kot pitjotigiplogit hivonighaptikni olapitjotaongitaaganik Avatiliginikmot Naotiktoiyyit Havakviata Katimayiit (EMAB-kot) okiokot maningnik atoktaghaitigot ehoaghahiyaikpata. Katimayit okagiikhimakmata opalonggaiyaotigiyatik eginahootigiyomanagik piyomagamik naotiktoijotigiyaghatik 2012-mit 2017-mot nakoatot ehoaknighaoyonik hoyagiiyagomagamikik. Oyagakhiokvik Diavikmi takoyaktoghimaayat omani okiokmi Fibyoalimi 2012-mi.

**Piyaaginggitait Naotiktoiniko:** Takoofaaktavot okaalaotigplogillo hapkoa: Tahikmiotanik Tahikniklo Takoogijotaohimayut naonaiyaktaoplotik (AEMP)

titigakhimayot 3.0; 2011-mi tohagakhalioktaohimayomi; 2011-mi holi Angotihatigot naonaiyaotaohimayot tohaktaghat; Oyagakhiokviovoklo omiktaonahoalikot nunap elitkohianot eliogainighakot opalonggaiyaotigiyait; Hilamilo aningnikaotigiyaptigollo naotiktoijotaoyot naonaiyaktaotiakhimangmiyut Tiktullo kanogilivaliajotigiyaitigot naotiktoivakmiyot ehomaalongnaitomik.

**Nunakakkaahimayut Nunaliitlo Pikataonigit Ekayutoitilogillo:** Inuinait Kaoyimayatokanggitigot katimajotikakmiyogot May 2011-gotillogo, elalalhota Snap Lake-mit avatiliginikmot Naotiktoiyyita Katimayiinit. Pinahoakhota naonaitiagotighanik EMAB-kot pivaliajotigiyaghainik hivonighaptikni avatiliginikmot Naotiktoijotigiyaghaptiknik. Katimajotikafaakmiyogot March-mi June-milo 2012-mi okaotikakhota Tuktuliginikot oyagajhioviooplo omiktigotigiyaghaagot.

**Tohaktaghatigot:** Aipaagotoagaagat Katimanigivaktaptigot Miitikmiyogot Talvoona Nutaanik Tohaktaghanik hakyaihiyogot.



## DII XO K'E AYI EDATS'ILA?

Diavik sòmbak'è ndè k'e eghàlagide sù wek'e esawòdech'à gıwò t'à dñe kòta nàdè gıxèdì ha sù xè eghàlagide. Dii hanı la wexòets'ıhdıdò yats'ılı sù, EMAB wela sù Diavik eyıts'ò amı seè dı hanı la xòehdıdò yagılı sù, ndè esawòdech'à wexòegıhdı. April 2011 gots'ò ayı edatlò wek'e eghàlagında wegondı nıht'è hót'e.

**K'àodeè eyıts'ò Governance:** Gonıht'èkò gha k'àowo wegoò wenıts'ıht'è eyıts'ò Diavik gha weghà eghàlats'ıde nıht'è yehtsı ha, wet'à ıda nıdè EMAB edanı sòmba t'à eghàlada ha sù weghò yatı ładı ade haà-le gha. Amı dı la k'e gehkw'e sù 2012 2017 ts'ò edanı dela k'e eghàlagide ha hazhò dek'ènegıl'è. Sanèk'òğ Zaà 2012 adı sòmbak'è k'e eghàlagide gık'agehtò.

**Ası weghonàgedı-le sù eyıts'ò ası wexogıhdı:** Weghàts'ında eyıts'ò wek'e gots'ında: Ası teè nàdè wexòedı la (AEMP) nıht'è 3.0; 2011 AEMP nıht'è; 2011 Tıch'adı Wexòedı la (WMP) nıht'è; Whalèa ts'ò la wedàetı ha eyıts'ò Senàdle ha (ICRP) 3.2; akwelò nıhts'ı edanahtso wexòedı la; eyıts'ò ekwò edanı gındı eht'è wek'e at'ı t'à ładı gha wexòedı.

**Dñe sòı eyıts'ò kòta goxè eghàlagide:** Dñe nàowo weghò gots'ende gha Hotenda gıxè łets'adı (TK/IQ) May 2011 k'e, Snap Lake ts'ò dñe ndè wexòegıhdıdò sù goxè agèat'ı. Dı gondı hazhò nàts'ehtsı sù wet'à EMAB ıda geède xè dñe dehkw'e lanı hohlè gha gıwò t'à hanı eghàlagında. Edlatł eht'a weghò łets'adı, Det'òcho Zaà eyıts'ò Eyè Zaà 2011 k'e ekwò eyıts'ò sòmbak'è wedàetı gha weghò gogında.

**Elèxè Gots'ende:** Ehts'ok'eyats'ehtı Zaà k'e xo tət'e edanı eghàlats'ında weghò nıht'è ts'ehtsı, dñe gha nèt's'ılà.

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### What is the mine's environmental setting?

Lac de Gras is a large lake, 60 kilometres in length, with an average width of 16 kilometres and 740 kilometres of shoreline. This lake is located roughly in the centre of the Slave Geological Province, north of the tree line, and in Canada's Southern Arctic ecozone. The area is cold and dry. Lac de Gras is the headwaters of the Coppermine River, which flows 250 kilometres north to the Arctic Ocean. Typical of arctic lakes, it is cold with long ice-covered periods and, historically, with little food for fish and other creatures. Fish species include lake trout, Cisco, round whitefish, Arctic grayling and burbot. Lac de Gras was also considered near the centre of the Bathurst caribou herd range. The caribou population was estimated at 32,000 in 2009 (GNWT) as compared to 186,000 in 2003. Many other animals included the Lac de Gras area in their home ranges, such as grizzly bears, wolves and wolverines, smaller mammals, migratory birds and waterfowl.

## DIAVIK

In early 2010, Diavik began mining and processing ore from its new underground mine. Joint venture partners Rio Tinto and Harry Winston Diamond Corporation invested approximately \$800 million for the underground mine, which includes surface and subsurface infrastructure.

All three kimberlite pipes - A154 south, A154 North and A418 - will be mined using underground mining methods. A fourth pipe, A21, is being reviewed to determine the viability of mining. Underground mining is part of the original mine plan that was the basis for Diavik's feasibility study, environmental assessment, and permitting.

In terms of mining operations, open pit mining of the A154 pipes concluded in 2010. A significant portion of the A154 South pipe, known as the crown pillar, was mined using a method known as open benching or 'open sky' mining. Through this method, remotely operated mining equipment accesses the open-pit ore from the underground workings. Open pit mining of the adjacent A418 pipe continued in 2010 and is expected to conclude in 2012 when Diavik will be an all underground mine.

In 2010, we determined that sub-level retreat (SLR) mining could safely and successfully replace the underhand cut and fill method that was originally planned. SLR has the potential to significantly reduce the complexity of our underground mining operations, resulting in lower costs and higher productivity. As well, hiring of the underground mining teams continues. Diavik is working with existing employees to prepare the transition from open pit to underground and has a progression plan designed to ensure local employment/advancement opportunities. Throughout these efforts, Diavik continues its commitment to the North and to the health and safety of our workers and the protection of the environment. We encourage all Parties to the Environmental Agreement



## DIAVIK



to continue to work together in seeking to deliver effective environmental management programs. We look forward to our continued close and cooperative partnership with EMAB.

In 2011, Diavik commenced construction of the Northwest Territories' first large-scale wind farm. The mine's four 2.3 megawatt wind turbines are expected to provide ten per cent of its annual power needs and reduce its carbon footprint by six per cent per annum. When the wind farm is commissioned in late 2012, Diavik will be the world's first mine with a large-scale 'off-the-grid' wind/diesel hybrid power facility.

(Text courtesy of Diavik)

For a copy of the  
Environmental Agreement  
visit [www.emab.ca](http://www.emab.ca) or contact  
our office at 867.766.3682



## BACKGROUND

### Who signed the Environmental Agreement?

The Board has one representative from each of the Parties that signed the EA:

- Tłıchǫ Government (TG)
- Yellowknives Dene First Nation (YKDFN)
- Łutsel K'e Dene First Nation (LKDFN)
- Kitikmeot Inuit Association (KIA)
- North Slave Métis Alliance (NSMA)
- Government of the Northwest Territories, Environment and Natural Resources (ENR)
- Government of Canada
- Diavik Diamond Mines Inc. (Diavik)

The Government of Nunavut (GN) has a representative on the Board because the EA recognizes their involvement in trans-boundary issues, such as water quality and wildlife.

### Why was EMAB formed?

We exist because of a contract called the Environmental Agreement (EA) for the Diavik Diamond Project. The EA came into effect in March 2000. The goal of the EA was to ensure that Aboriginal groups and governments, federal and territorial government departments, and Diavik work together, throughout the life of the mine, to protect the environment around the Lac de Gras area where the mine site is located.

Clause 4.2 of the EA emphasizes the arm's length and independent nature of EMAB in relation to Diavik and the other Parties who signed the agreement. The EA remains in effect until full and final reclamation of the site is completed or, after commercial production, the Minister of INAC, in consultation with the Parties and EMAB, can a) relieve Diavik of its EA responsibilities and b) set a schedule for winding down and concluding the operations of the board.

### Why is the EA important?

The EA is a legal contract between the Parties that have signed it. It states the commitments that Diavik and the other Parties made to make sure that the effects of the mine on the environment are kept to a minimum. The EA includes the requirement that Diavik: a) meaningfully involve the Aboriginal Peoples in the environmental monitoring of the Diavik mine, and b) include the use of Traditional Knowledge and Inuit Qaujimajatuqangit (TK/IQ) monitoring in its environmental monitoring activities. The EA also says that Diavik must comply with all licences, leases, and laws, and explains the steps that may be taken if it does not. It talks about environmental management plans and monitoring programs, and several other issues such as the security deposit, enforcement, and closure and reclamation.

Finally, the EA sets out EMAB's mandate.

### What do we do?

The EA lists 13 points that cover a broad range of issues and activities that we need to consider in relation to the Diavik mine and the environment of the Lac de Gras area. We've condensed the full mandate into four categories in our strategic plan:

- Leadership and Governance,
- Oversight and Monitoring,
- Aboriginal and Community Involvement, and
- Communications.

The full mandate is on page 10 of the EA.

### How are we funded?

Diavik provides an annual contribution, as detailed in the Environmental Agreement (clause 4.8). For special research or projects that don't fit within EMAB's usual budget, the EA allows EMAB to submit proposals to Diavik. It must either fund them or explain its reasons in writing for not funding them. EMAB or Diavik can ask the Minister of INAC to review the proposals to Diavik, as well as the decisions.

We also occasionally request funds from the Government of Canada and the Government of the Northwest Territories for specific projects that relate to their mandates. EMAB is a registered not-for-profit society of the Northwest Territories.

## BACKGROUND



*The Board in Łutselk'e in August 2012: (from left) Mike Nitsiza (Tijich Government), Floyd Adlem (Government of Canada), Doug Crossley (Kitikmeot Inuit Association), Mark Fenwick (Executive Director), Seth Bohnet (Diavik, alternate), Stephen Ellis (Government of the Northwest Territories). Missing: Charlie Catholique (Łutsel K'e Dene First Nation), Napoleon Mackenzie (Yellowknives Dene First Nation), Robert Eno (Government of Nunavut), Arnold Enge (North Slave Métis Alliance.)*

### What are our special issues?

In EMAB's start-up days, the Board, with community input, chose to focus on water, fish, wildlife, air, as well as Traditional Knowledge / Inuit Qaujimajatuqangit. Early on, we realized just how many environmental issues there were and how comprehensive our mandate was. We knew that some areas were of highest priority and needed our complete focus. Right from the start, we established priorities. In the last couple of years, though we continue to focus on those important issues, closure planning has become as important as we look to the years when the mine site will need to be prepared to return to a more natural state.

### Where are we?

We have an office in Yellowknife, with three staff: Executive Director, Program Manager, and Administrative Assistant.

Our hours are from nine to five Monday to Friday. Our office is open to everyone and houses a library of materials on environmental matters related to the Diavik mine. (Contact information is listed on the back cover of this report.)

### The Board

The Environmental Monitoring Advisory Board members, appointed by each of their Parties, have a range of experience related to the environment. With years of living close to the land or years in corporate or public service, each member brings to EMAB a commitment to protecting the environment. This diversity brings with it challenges and opportunities, as we search for ways to build strong relationships with each other and with regulators and company representatives. We will continue to work to ensure that communities are participants in all aspects of environmental monitoring associated with Diavik.

## BACKGROUND

### What happens when EMAB makes recommendations?

Since 2001, EMAB has made 68 recommendations. We get involved and make recommendations when regulators raise issues, or when regulators and Diavik disagree on an issue. We also make recommendations when the regulators or the mine are not addressing an issue we think is important. The Environmental Agreement says our recommendations are to be taken seriously and given full consideration. Parties, including Diavik, must respond within 60 days. They must act on our recommendations or give us reasons why they will not. Before making a formal recommendation, we try to resolve an issue through dialogue.

EMAB also engages consultants who are scientific experts in the areas of wildlife, air, and water. After review, we convey their recommendations to Diavik. This normally occurs each year when Diavik submits their reports on the Aquatic Effects Monitoring Program, the Wildlife Monitoring Program, among others.

### The Board

The Environmental Monitoring Advisory Board members, appointed by each of their Parties, have a range of experience related to the environment. With years of living close to the land or years in corporate or public service, each member brings to EMAB a commitment to protecting the environment. This diversity brings with it challenges and opportunities, as we search for ways to build strong relationships with each other and with regulators and company representatives. We will continue to work to ensure that communities are participants in all aspects of environmental monitoring associated with Diavik.



**Doug Crossley, Chair**  
*Kitikmeot Inuit Association*

I have served as the Kitikmeot Inuit Association Designate on EMAB since 2003. Prior to that, I was KIA's alternate member, going back to the origins of the Board in January, 2001. As the KIA member, I work toward ensuring the involvement of Aboriginal people in various EMAB activities. I am a strong advocate of the Traditional Knowledge/Inuit Qaujimajatuqangit Panel and the incorporation of TK/IQ within the Diavik environmental monitoring activities. I have served as the EMAB Chair since March 2006 and have been heavily involved with many recent EMAB activities and initiatives, including the development of the 2012-2017 Strategic Plan and the resolution of the budget difficulties between EMAB and Diavik.



**Floyd Adlem, Secretary Treasurer**  
*Government of Canada*

I have been a member of EMAB for several years as the representative for the Government of Canada. In that time I have seen EMAB grow into a more and more active participant in the protection of the Lac de Gras area. I've been in the North for over 30 years, and in that time I've seen the evolution of environmental responsibility. Boards like EMAB serve a critical role in ensuring that mining in the North is done responsibly.



**Charlie Catholique**  
*Lutsel K'e Dene First Nation*

I am a hunter and trapper and have been involved with environmental issues for many years. For four years I was the Chair of the Wildlife, Lands and Environment Committee for the Lutsel K'e Dene First Nation. Protecting the land is important. Ensuring that nothing happens to the water, the animals and the land is a priority.

## BACKGROUND



**Stephen Ellis**

*Government of the Northwest Territories*

I have advised and facilitated engagements among First Nations, governments, and industry pertaining to land and resource challenges for ten years. Besides sitting on EMAB for the GNWT, I chair the Akaitcho Screening Board. I have also been a

member of the Protected Areas Strategy Steering Committee, the Łutsel K'e Housing Authority, and the NWT Cumulative Effects Assessment and Management Steering Committee.



**Colleen English**

*Diavik*

I have worked at the Diavik mine site in various positions within the Environment department for the past nine years. During this time, I was involved in EMAB meetings and visited many communities to help explain some of the environmental

monitoring programs that Diavik carries out at the mine site, as well as to let people know the results of the programs. A recent move to a new position with the Communities & External Relations department in 2010 allowed me the opportunity to become involved with EMAB as the DIAVIK representative. I am committed to working with the Board and people from the communities to talk about environmental protection and determine how industry requirements and community needs can be better understood by all parties, and identify opportunities where these may align. Achieving this understanding and alignment will be especially important as mining activities change from open pit to underground, and move towards closure.

**Mike Nitsiza**

*Tłı̨chǫ Government*

**Napoleon Mackenzie**

*Yellowknives Dene First Nation*

**Sheryl Grieve**

*North Slave Métis Alliance*



## LEADERSHIP AND GOVERNANCE

The Board has engaged in three major undertakings in the area of leadership and governance.

### Executive Director

In July 2011, EMAB's long-time Executive Director, John McCullum resigned. The Board would like to thank him for his years with us.

The personnel committee worked for several months to engage new staff. Mark Fenwick, formerly with the Tłı̨chǫ Government's Lands Department, joined staff in the Yellowknife office as the new Executive Director in October 2011.

### Business Rules

After a two-year budget dispute, EMAB and Diavik drafted and signed off on a set of "Business Rules." This 2012 document is intended to clarify language in the Environmental Agreement in order to avoid future misunderstanding regarding financial management.

### Strategic Plan

EMAB's five-year strategic plan expired in 2012. After a three-day workshop in May 2012, a new five-year strategy was developed and now serves as our road-map. The new strategic plan is broken down into four Key Result Areas (KRA).

The intent of the strategic plan is to ensure that EMAB's priorities, programs; and activities reflect the Purpose, Guiding Principles, and Mandate of the Advisory Board as set out in the EA. The plan reflects efficient use of funding, based on an analysis of past years, input from Parties to the EA, as well as renewed dedication to the spirit of cooperation – a basic foundation of the EA.



In some cases, improvements were made in specific areas, such as our use of consultants in relation to environmental plans, programs and reports, with a view to increasing Board member capacity. In other cases, such as with Traditional Knowledge/ Inuit Qaujimajatuqangit (TK/IQ) and Aboriginal involvement, efforts and resources were redirected, aiming for more meaningful results.



## LEADERSHIP AND GOVERNANCE

**1.0 LEADERSHIP AND GOVERNANCE GOALS AND OBJECTIVES**

Goals and Objectives	Accountable Leader or Committee	Status	Review Cycle	Targeted Completion
1.1 to operate with defined Board member and staff roles and responsibilities.	Executive Director	Ongoing	Every strategic plan	May-13
1.1.1 by validating and defining Board member roles and responsibilities in a workshop exercise informing policy and direction.	Executive Director	Ongoing	As required	May-13
1.1.2 by updating and defining staff authorities job descriptions, roles and responsibilities.	Executive Director	Ongoing	As required	May-13

1.2 to incorporate opinions and views of all Board members in a respectful and transparent manner.	Chair	Pending	Annual	
1.2.1 conducting a session to review how the suggestions, concerns and priorities of Parties are being considered and delivered by the Board.	Chair/and person delegated by Chair	Pending	Annual	
1.2.2 incorporating a report card for the Board based upon feedback from the Parties and outcomes of Board activities.	Chair/and person delegated by Chair	Pending	Bi-annual	Oct-13

**2.0 OVERSIGHT AND MONITORING GOALS AND OBJECTIVES**

Goals and Objectives	Accountable Leader or Committee	Status	Review Cycle	Targeted Completion
2.1 to develop a process for the timely review and development of recommendations for Diavik monitoring programs.	Executive Director	Pending	Annual	May-13
2.1.2 establish a schedule of the review requirements.	Executive Director	Pending	Annual	Dec-12
2.1.3 build a template for the EMAB review process.	Executive Director	Pending	Annual	Dec-12
2.1.4 establish a standard procedure for the notation and recommendation of required changes.	Executive Director	Pending	Annual	Dec-12

2.2 to continuously improve the incorporation of TK/IQ in environmental monitoring programs.	EMAB	Ongoing	Annual and as required	Ongoing
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## LEADERSHIP AND GOVERNANCE

2.2.1 through the utilization of the TK panel to assess and seek opportunities for input within specific monitoring programs.	Program Manager	Ongoing	Annual and as required	Ongoing
2.2.2 to review Diavik summary reports to assess TK/IQ content to provide feedback and comment.	TK/IQ Panel	Pending	Annual and as required	When required
2.2.3 assess Party satisfaction based on TK/IQ inclusion and effectiveness of Diavik's monitoring programs.	Executive Director	Pending	Annual and as required	Nov-13

2.3 to develop a process to leverage external expertise to support Board member development.	Executive Director	In progress	Annual	Jun-13
2.3.1 by incorporating a requirement for Board briefing and technical translation in Board solicited environmental and other relevant consultations.	Executive Director	In progress	Annual	Sep-12
2.3.2. by developing an understanding of the needs and capabilities of the Board.	Executive Director	In progress	Annual	Sep-12

**3.0 ABORIGINAL PEOPLES AND COMMUNITY INVOLVEMENT GOALS AND OBJECTIVES**

Goals and Objectives	Accountable Leader or Committee	Status	Review Cycle	Targeted Completion
3.1 to promote the participation of Aboriginal Parties in a TK panel.	Program Manager	Ongoing	As required	Ongoing
3.1.1 by securing consistent panel members from Aboriginal Parties.	Program Manager	Ongoing	Continuous	Ongoing
3.1.2 by developing a yearly work plan and schedule for the TK panel.	Program Manager	Ongoing	Annual	Each December

3.2 to increase the knowledge of the Diavik project and the related impacts among Aboriginal Parties and their communities.	Program Manager and Board member	Pending	Annual	May-16
3.2.1 by developing community specific ways to communicate about the Diavik project and its impacts.	Program Manager and Board member	Pending	Annual	Jan-15
3.2.2 by increasing community presence via more visits and updates in the communities.	Program Manager and Board member	Ongoing	Annual	May-13
3.2.3 by developing educational opportunities with schools.	Program Manager and Board member	Ongoing	Annual	Jan-16

## LEADERSHIP AND GOVERNANCE

**4.0 COMMUNICATIONS GOALS AND OBJECTIVES**

Goals and Objectives	Accountable Leader or Committee	Status	Review Cycle	Targeted Completion
4.1 to continuously improve communications with stakeholders.	EMAB	Ongoing	Annual	Ongoing
4.1.1 by developing and maintaining a current communications plan.	Program Manager	Ongoing	Annual	Ongoing
4.1.2 by producing an annual report.	Program Manager	Ongoing	Annual in September	Ongoing
4.1.3 by supporting the ability of Board members to deliver meaningful communications to their communities.	Program Manager	Ongoing	Annual	Ongoing
4.2 to help maintain Board member awareness and involvement.	Executive Director	Ongoing	Annual	Ongoing
4.2.1 by analyzing technological alternatives which support effective and efficient communications.	Executive Director	Ongoing	Annual	Dec-12
4.2.2 by developing a Board member training plan.	Executive Director	Ongoing	Annual	Dec-12
4.3 to format the EMAB library for ease of use, reference and accessibility.	Program Manager	Pending	Strategic Plan	Jan-17
4.3.1 by creating a four year project plan for the digitization and electronic storage of repository materials.	Program Manager	Pending	As required	May-13
4.3.2 by organizing the physically held collection of library and reference materials.	Program Manager	Pending	As required	May-14

## The Environmental Agreement and the water licence

The water licence and the EA both contain requirements for the AEMP. Most of the water licence requirements are more detailed than those in the EA. The WLWB cannot make Diavik meet any of the EA commitments unless they are also in the water licence. In the EA Diavik said it would do its best to involve Aboriginal People in designing monitoring programs, and that all its monitoring programs would include activities to:

- consider TK,
- establish or confirm thresholds or early warning signs,
- trigger adaptive mitigation measures,
- provide ways to involve each of the Aboriginal Peoples in the monitoring programs, and
- provide training opportunities for each of the Aboriginal Peoples.

EMAB is working with Diavik to help it meet its commitments as described throughout this annual report. (Use of TK/IQ is discussed on page 22.) We are working with Diavik and a number of other organizations to improve training and certification in environmental monitoring and we are continuing to encourage Diavik to develop more ways to involve Aboriginal Peoples in monitoring programs.

## OVERSIGHT AND MONITORING

One of EMAB's roles is to "serve as a public watchdog of the regulatory process" (EA, 4.2.c) and, as such, we review plans and programs having to do with our priority areas: water, wildlife, closure, and air. As well, we are in contact with regulators and remain informed on Diavik's performance in a variety of other plans and programs.

### Who are the regulators and managers?

**Wek'ëezhii Land and Water Board (WLWB)** are responsible for the Diavik water licence and the technical review of all documents required under the licence. The WLWB is a regional panel under the Mackenzie Valley Land and Water Board. Staff are not technical experts; they coordinate the review of documents.

**Department of Fisheries and Oceans (DFO)** reviews some of the reports submitted under the water licence and all the reports submitted under the fisheries authorizations.

**Aboriginal Affairs and Northern Development Canada (AANDC)** reviews reports required by the water licence and the land leases. INAC has an inspector assigned to Diavik. This inspector attends our meetings to keep us aware of what is happening at the site. The inspector is also responsible for ensuring Diavik meets the terms of its water licence and land leases.

**Environment Canada (EC)** reviews the reports required by the water licence focusing on water and air quality. They can call on experts from across Canada when needed.

**Environment and Natural Resources (ENR)**, a department of the Government of the Northwest Territories, is not a regulator; they are a Party to the EA and have responsibility for wildlife and environmental protection, including air and water quality. They review and comment on the Wildlife Effects Monitoring Program reports. They also propose better ways to monitor effects of Diavik on wildlife.

**Wek'ëezhii Renewable Resources Board (WRRB)** is a wildlife co-management authority established by the Tłı̄chǫ Agreement. The WRRB is responsible for managing wildlife and wildlife habitat (forests, plants and protected areas) in the area known as Wek'ëezhii.

## WATER

### Aquatic Effects Monitoring Program (AEMP)

The AEMP is a program conducted by the mine as a requirement of its water licence. The results help determine if the licence is protecting the environment. Samples of the water in Lac de Gras, and of organisms living in the lake, are taken on a regular basis throughout the year. Diavik's samples AEMP water, benthics and small fish near the mine to the samples collected from three places in the lake that are not affected by the mine, called reference areas. Diavik then submits an annual report on results.

Diavik's water licence required that it submit a modified AEMP for approval in 2011, and then every three years. By reviewing and revising the AEMP on a regular basis, Diavik has the opportunity to make changes based on the results of the previous three years of monitoring.

### AEMP Version 3.0

In late 2011, EMAB had the opportunity to review the revised version of the AEMP that was submitted to the WLWB. EMAB also participated in a workshop organized by the WLWB.

The workshop format offered the opportunity for regulators, EMAB, and community representatives to discuss questions and concerns with Diavik prior to submitting comments. This was a productive and valuable step in the process.

## OVERSIGHT AND MONITORING

EMAB submitted twenty comments on the AEMP re-design. Nineteen were comments made by North/South Consulting, and one comment concerning the TK/IQ program made by the EMAB members. Of these twenty comments three were accepted and the AEMP will be altered to show this. There were eight reasons as to why certain methods or practices were followed and nine clarifications.

Besides technical scientific comments, three were made regarding Aboriginal involvement and TK/IQ:

EMAB Comment: The palatability study needs many refinements compared to the first study, e.g., more fish, consistent preparations, blind testing, improved consumption quality assessment forms, improved palatability rating system. Improved rating system addressed in Table 9.1-1 (will try to simplify forms), but other refinements need to be addressed.

EMAB Recommendation: Key regulatory agencies and communities should be consulted (prior to implementation) on AEMP design to ensure needs are met.

Diavik Response: DDMI is working with communities and EMAB to continuously improve this program and address the needs of key regulators.

EMAB submitted one comment concerning the TK/IQ (AEMP) program which was: DDMI had proposed to run the program on a three-year cycle. EMAB was concerned that a three-year cycle would be too long as actual monitoring happens during the first year of the cycle only. The Board thought that a one year implementation period with a one year evaluation period was more appropriate than a one year/ two year cycle.

EMAB Recommendation: Run the AEMP-TK/IQ program in a two-year cycle as opposed to a three-year cycle.

Diavik Response: A three year cycle is proposed to align with requirements of other components (for example fish tissue analysis) and on the basis of the need for the information in

decision making. The TK information aligns better with a three-year than a two-year Implementation frequency.

After further discussions with Diavik regarding the cycle of monitoring, consulting with communities, and reporting, EMAB was satisfied that these time-frames were realistic and manageable.

**The WLWB conditionally approved Version 3.0 of the AEMP Design On May 16, 2012 “on the basis that Diavik revise and resubmit the plan as Version 3.1 with all of the recommendations outlined in the attached staff report.”**

**This was the first detailed assessment of the new AEMP and it was important that any weaknesses were corrected and any proposed changes scientifically justified. EMAB is satisfied with the process and the results.**

## AEMP Report 2011

Every year, Diavik submits a report on the results of the AEMP. Normally, EMAB has their consultant (North/South) review the report and present their review to the Board.

In an effort to increase Board member capacity, we had the consultant spend a full day with us in order that we better understand what studies and practices are undertaken in order to carry out the AEMP.

From North/South:

*The 2011 AEMP results reflect those observed in previous years. Nutrient enrichment remains the dominant aquatic effect being detected. The non-technical summary is generally consistent with the more detailed information provided in the technical appendices; however, there are a number of inconsistencies. Discussions with EMAB members yesterday emphasized the importance of consistency between the non-technical summary and appendices as the non-technical summary is the primary source used by many for disseminating AEMP results to community members and Elders.*



## OVERSIGHT AND MONITORING

*Recommendations provided in the technical appendices are sound and several have been considered in the modified AEMP design (Version 3.0). Diavik brings these forward to the non-technical summary and provides an update concerning their status and/or additional measures being undertaken to improve the overall quality of the AEMP, such as communication with analytical laboratory to subsequently lower the detection limit for phosphorus.*

*Key topics:*

*Quality Assurance/Quality Control:*

*The change in analytical laboratories in 2011 for water chemistry samples resulted in some analyses being missed for some water chemistry samples. This potentially complicates the ability to make between-year comparisons. Changes in detection limits for numerous parameters means some detection limits decreased, which is desirable, and some increased, which is problematic, particularly when the detection limit is the same as an AEMP benchmark.*

*Diavik indicated that they had spent a considerable amount of time conducting the necessary inter-laboratory comparison prior to choosing their new laboratory. However, this process needs to be well documented in the AEMP, such that comparisons between 2011 and other years may be made with confidence.*

*Any issues identified with QA/QC samples collected and undesirable changes in detection limits highlights the importance of ongoing communication between Diavik and the laboratory project manager with respect to AEMP objectives and the chemical characteristics of Lac de Gras.*

*Mercury in Lake Trout muscle:*

*The analysis of mercury in Lake Trout muscle from 2005, 2008, and 2011 demonstrated that there has been an increase in the concentration of mercury over that period of time – this increase was seen in both Lac de Gras and Lac du Sauvage. Since the increase was observed in both lakes, Diavik concluded that it cannot be directly linked to the mine. However, Diavik's reasoning is somewhat dependent on the assumption that Lake Trout sampled in Lac du Sauvage are from a*

*separate population from those sampled in Lac de Gras, but there is a physical barrier to fish movement between the lakes.*

*Based on our discussions, no such barrier to fish movement between the lakes exists and, as such, it was recommended that either a population of Lake Trout residing in a water body that is not influenced by mining activities be sampled to serve as a reference or any available regional data be used to aid in the assessment of any relationship between Diavik and increasing mercury concentrations in Lake Trout muscle. EMAB members commented that this could perhaps be a joint effort with Diavik, rather than follow-up residing solely with Diavik.*

*Overall, EMAB is satisfied that Lac de Gras is being adequately protected.*

*(Note: The North/South review of the AEMP Report is available from the EMAB office.)*

### Inert waste in North Country Rock Pile (NCRP)

*In December 2011, rock from the NCRP was re-mined to be used in the Crusher/Backfill Plant for processing. The jaw crusher discharge chute became plugged with metal debris in mid-January 2012 and interrupted operations. An investigation ensued and it was discovered that the inert debris was located in the NCRP.*

*As a result, the WLWB gave direction to Diavik and the company replied as follows:*

*Identify locations of buried materials and describe implications on future re-mine – There is uncertainty of exactly where metal debris may be located because locations and elevations were not recorded when materials were disposed. Metal debris that is exposed as a result of re-mining will be removed and placed in the on-site Inert Landfill.*

*Describe how buried metal debris will impact recovery and processing of Type I Waste Rock required for closure activity – Any metal*

## OVERSIGHT AND MONITORING



debris that is recovered/exposed during re-mining will be removed and placed in the on-site Inert Landfill. This will not affect site closure. Ensure that all personnel are handling waste according to approved practices – All Diavik employees and contractors undergo site-specific training related to waste management. Specifically related to this incident, the findings, actions and Diavik waste management requirements have been reviewed with the crews from each department involved.

Diavik also assured the WLWB that no hazardous wastes were placed in the NCRP.

## WILDLIFE

### Wildlife Monitoring Plan (WMP)

EMAB, and the Affected Communities, have high expectations of Diavik, particularly where it comes to the effects of the mine on wildlife. Unlike aquatic effects there is no regulatory framework for wildlife, so the only authority is through the Environmental Agreement, which sets out Diavik's commitments.

The Wildlife Monitoring Program (WMP) studies the effects of Diavik on wildlife and vegetation in the area around the mine. Diavik then prepares a report, annually, on results.

In an effort to increase Board member capacity, we had our consultant, Management and Solutions in Environmental Sciences (MSES), spend a full day in discussion with us in order that we better understand the studies and practices undertaken to carry out the WMP.

### WMP Report 2011

MSES has been reviewing Diavik's WMP reports from the beginning and are therefore well-positioned to provide knowledgeable assessments from year to year in a consistent fashion.

They find that the detailed analyses *"are generally well present and informative."*

### Caribou

The topic that recurs most frequently is the Zone of Influence (ZOI) for caribou. The prediction prior to mine operation was that the mine would have an influence on caribou from three to seven kilometres around the mine. Monitoring now show that the ZOI could be 14 to 40 kilometres. *"As in previous years, we remain skeptical about the interpretation of the ZOI."*

MSES adds: *"A new and potentially important finding is that caribou groups with calves spend less time feeding and resting within five kilometres from the mine than further away. This suggests that caribou behaviour and potentially the energy balance of young caribou is affected within that distance."*

### Grizzly bear and wolverine

No new information was found compared to previous years. Mortality and habitat loss remain at or below the levels predicted.

## OVERSIGHT AND MONITORING

However, in November 2011, a workshop was held in early November, attended by Diavik, BHP, and DeBeers, who presented their findings from their Grizzly Bear Management programs. During this same workshop, a collaborative Grizzly Bear Management Program, which would involve DDMI, BHP, De Beers, and the GNWT, was presented.

DDMI stated that in order to participate they would need to be relieved of the requirement to abide by the 10 Km ZOI research as established in the Environmental Assessment. EMAB draft a letter to the GNWT, seeking input on whether or not this was scientifically sound. After some discussion, EMAB agreed this requirement could be removed.

MSES did recommend that wolverine snow tracking surveys be continued to the end of the mine life.

### Falcons and waterfowl

There are no new findings of note regarding the presence or productivity of falcons.

As far as habitat alterations, effects are at or below predicted levels. Regarding species composition and presence, it is interesting to note that shore birds and diving ducks respond differently to mine-affected water: ducks prefer it and shorebirds seem to avoid these waters, preferring to use the shores of the shallow bay.

### Vegetation

The permanent vegetation plot analysis suggests that vegetation composition, in particular lichen cover, is altered near the mine. There are fewer lichen but more grasses, forbs and vegetation litter near the mine.

The two overlapping WMP areas that EMAB is most concerned with are indirect caribou habitat loss and caribou-related zone of influence. Both of these could be addressed through the use of TK/IQ, more extensive behavioural scans, spending more time on the ground observing the animals, and close up ingestion studies.

Finally, EMAB would like to recognize Diavik's efforts in wildlife monitoring, and commend Diavik on the continuing collaborative efforts with BHP and De Beers, such as the Grizzly Bear Monitoring Program. EMAB hopes that the program continues to improve, especially in the area of caribou monitoring, as this is the greatest area of concern for the Aboriginal Parties to the Environmental Agreement.

(Note: The MSES review of the WMP Report is available from the EMAB office.)

## CLOSURE

### Interim Closure and Reclamation Plan (ICRP)

On September 6, 2011, we submitted our comments on version 3.2. of Diavik's ICRP. The comments consisted of two parts: a review by Specialists in Energy, Nuclear and Environmental Sciences (SENES) and a review specifically from an EMAB point of view.

Prior to this, Diavik had submitted version 3.0 of its draft closure plan in December 2009, and a revised version 3.1. The WLWB was sending back the revisions, requesting more detail.

On September 21, 2012, the WLWB approved version 3.2; however, they noted three required edits regarding pit water quality and the following was noted regarding community engagement:

*Requirement: The Board required DDMI to clearly indicate why community engagement plans for mine closure are incomplete, what tasks must be completed to prepare the plan, and when these tasks will be completed (May 2010 and May 2011 Board Directives). The Board did not require a public review of this revision.*

*Status: Satisfactory - Board staff concludes that DDMI met the Board's requirement (see Section 2.4 of Version 3.2 of the ICRP and in particular page 10 and 11). The Board has previously stated its expectation that DDMI will have community engagement plans by*

## OVERSIGHT AND MONITORING



the first Annual ICRP Progress Report (approximately one year from approval of the ICRP). We also recommend that the Board requires DDMI to submit documentation of its efforts to engage communities in the next Annual ICRP Progress Report (as detailed in the directive for the progress report).

Also, the Board previously decided to host a workshop on community engagement to ensure that the Board is doing everything possible to enable successful community engagement (at the May 2011 Board meeting). To ensure the success of the workshop, Board staff would like to first gain input from communities on the content and form of the workshop. We would like to have these discussions when the Public Engagement and Consultation Working Group is discussing the draft Engagement Guidelines with communities. We expect this to occur sometime in October. Once we have these discussions, we will begin planning the workshop. It is possible that the Engagement Guidelines will be public by then, which would improve our ability to communicate Board expectations.

DDMI should also be reminded that the Board is requiring the company to engage with communities about on-site burial of buildings, machinery, and equipment (per the May 2011 Board directive).

Due to Diavik's success in developing community engagement protocol with each community, the WLWB did not find it necessary to step in with their own process.

The recommended deadline set by the WLWB for the first progress report is October 2012.

(Note: The SENES review of the ICRP Report is available from the EMAB office.)

## AIR

Diavik made some progress this year in addressing EMAB and community concerns about environmental effects of dust and air emissions, particularly on wildlife and the vegetation eaten by wildlife. The pace continues to be slower than EMAB

## OVERSIGHT AND MONITORING

believes is reasonable and we have strongly encouraged Diavik to put more effort into meeting its commitments for air quality monitoring.

### Air Quality Monitoring Program (AQMP)

EMAB has been encouraging Diavik to develop a comprehensive Air Quality Monitoring Program since 2006. An AQMP is a requirement of the Environmental Agreement. Throughout its years of operation, the company has been conducting Dust Deposition Monitoring, and more recently have been studying the possible effects of dust and emission on lichen. However, EMAB's position is that these do not satisfy the EA requirement.

In June 2010, EMAB made a recommendation to Diavik that:

*Diavik complete the air dispersion model, in consultation with Environment Canada and Environment and Natural Resources staff, no later than November 19, 2010, and submit a draft Air Quality Monitoring Program as per EA clauses 7.1 and 7.2 to EMAB and the Parties for review no later than May 19, 2011.*

After receiving EMAB's recommendation, Diavik committed to meet the deadlines. As no progress was being made, we wrote the Minister in February 2011 requesting an investigation under EA section 5.4(a) and 7.5(a) to determine whether Diavik was out of compliance with the Environmental Agreement. The Minister can require Diavik to make the needed changes to the plan. The Minister indicated that AANDC would review Diavik's response before making any decisions to proceed with an investigation.

Diavik submitted a draft AQMP for comment in June 2012. EMAB found it unsatisfactory for the following reasons:

1. Lack of cohesion with other programs such as dust deposition monitoring, lichen sampling, snow core sampling, and how it would affect the AEMP.
2. The AQMP is based around one Partisol Particle Monitor, we feel that one sampling site cannot prove or disprove a model with any amount of certainty, it can only prove or disprove the predictions in one location.
3. After brief discussions with others on this topic we wonder if reliable passive NO<sub>2</sub> sampling is possible with the timelines described.
4. The AQMP does not take into account the A21 Kimberlite Pipe which is now going to be developed into an open pit mine and does not mention the possibility of sampling sites associated with this construction in the future.
5. Lack of goals, objectives, and mitigation measures.

Diavik is revising the draft AQMP.

### Dust Deposition Monitoring

The mine continues to produce more dust than originally predicted, due to the fact that the original model used to make the prediction was flawed. However, as mining has shifted underground, dust has been decreasing.

EMAB continues to be concerned with Diavik's dust monitoring methods, which are non-standard.

**EMAB will raise this issue when Diavik submits a revised Air Quality Monitoring Program for review.**

### Lichen Monitoring

EMAB has continued to raise the issue of the effects of dust and air emissions from the mine on the vegetation around the mine, especially as food for wildlife. EMAB held discussions with ENR staff about ways to study these effects and provided information to Diavik to be used in follow up lichen monitoring studies.



## OVERSIGHT AND MONITORING

May 2010: Diavik informed the board that it planned a follow-up lichen study in August to determine whether Diavik's emissions were affecting lichen near the mine. Diavik's plan was that if lichen near the mine were being affected a follow-up study would be done to find out how far it reached. EMAB requested the opportunity to review the study methodology but did not receive any information until after the study had taken place.

Spring 2011: Diavik released the study report. It showed that the mine emissions had an effect on nearby lichen and that 17 of 21 metals analysed were higher near the mine. The study included a risk assessment that concluded that there would be no health effects on caribou eating lichen near the mine, even if they stayed in that area year round. The study notes that the toxicity of the metals has been tested in lab animals but not in caribou or other northern wildlife, so there is some uncertainty about the effect the contaminated lichen might have. EMAB plans to have an independent consultant review Diavik's study and conclusions.

Diavik's consultant has recommended the study be repeated every two years to see if there are any increases in the amount of metals in lichen.

EMAB's consultant, MSES, made the following recommendations, which EMAB will be forwarding to Diavik:

*The finding that lichens sampled from four locations within 10 km of the EKATI diamond mine had mean metal concentrations greater than others sampled in the study area suggests that it may be difficult to find locations in the study area that are remote enough to be unaffected by mine emissions. We recommend that cumulative effects of emissions be investigated.*

*The study appears to assume that caribou ingest all lichen species at the same rate. Exposure risk values may be affected by caribou ingesting preferentially either high- or low-concentrating lichen species.*

*We recommend that future studies investigate the possibility of selective foraging by caribou and how selective foraging may affect exposure values.*

*We recommend that the rationale be provided for the selection of the far-field sampling area.*

*Please discuss the implications of combining different lichen species into a single sample, the effect of the substrate on lichen metal concentrations, and the effect of the removal of lichen during sampling on future sampling/monitoring.*

*We recommend that the results of the two-tailed t-tests and Wilcoxon-Mann-Whitney tests be presented in the report. Further discussion regarding the source of variability in the relative percent differences (RPDs) would assist us in understanding whether metal concentrations were measured three times from identical lichen material or from three separate samples with different species mixes.*

*We recommend that details of future monitoring plans for lichen be provided, such as frequency and timing of monitoring. It is not clear if either the cumulative effects of mine developments in the region or climate change will be assessed in future monitoring.*

*The risk assessment does not include information on any changes in the concentrations of metals present in caribou and humans pre- and post-exposure or how these levels of metals relate to the health of either caribou or humans. Inclusion of this information would strengthen the report's conclusions.*

EMAB will be following up with Diavik.

## Recommendations

## Recommendations Report Card 2009-2010

A — good; B — fair; C — meets minimum standard; D — unacceptable

<i>Recommendation</i>	<i>To</i>	<i>Timely Response</i>	<i>Satisfactory Response</i>
<i>EMAB recommends that DDMI complete the air dispersion model, in consultation with Environment Canada and Environment and Natural Resources staff, no later than November 19, 2010, and submit a draft Air Quality Monitoring Program as per EA clauses 7.1 and 7.2 to EMAB and the Parties for review no later than May 19, 2011. (sent June 14/10)</i>	<i>Diavik</i>	<i>D – response was 30 days late</i>	<i>D – Diavik gave assurance that it would meet EMAB's recommended deadlines. It did not. Diavik submitted an unsatisfactory draft AQMP in June 2012.</i>

## WHAT HAPPENED?

(The following is an update on previous recommendations)

EMAB recommends that DDMI proceed with development of its proposed air quality monitoring program. DDMI should also state which pollutants it proposes to include in its air quality monitoring program and should make best efforts to coordinate with air quality monitoring at the Ekati mine so that data is compatible and comparable. (from November 2006)

To date a comprehensive AQMP is not in place.

.....  
*In the past EMAB has made a number of comments and recommendations regarding Aboriginal involvement in monitoring, and this has been the topic brought up at many community updates, and Environmental agreement reviews, see previous annual reports.*

During this fiscal year EMAB convened a TK/IQ Panel. In March a successful TK panel was held concerning Caribou monitoring at the mine site. Information from this was passed directly to DDMI in order for some results to be incorporated into work being done on site during the summer of 2012. Since this time a TK Panel on closure issues has taken place in a co-ordinated effort with DDMI. Also, Diavik has begun work with Elders and youth to include TK/IQ in aquatic effects monitoring.



## Workshop Participants

Tłı̨chǫ Government: Pierre Beaverho, Louis Zoe, Alice Legat, Rita Wetrade, Camilla Nitsiza, Mary Rose Blackduck (interpreter), Jonas Lafferty (interpreter)

Łutsel K'e Dene First Nation: George Marlowe, August Enzoe, Kelsey Jansen, Bertha Catholique (interpreter), Sara Basil (interpreter)

Yellowknives Dene First Nation: Jonas Sangris, Philip Liske, Randy Freeman

Kitkimeot Inuit Association: John Ivarluk, Bobby Algona, Luigi Torretti

North Slave Métis Alliance: Lawrence Mercredi, Hugh McSwain

**NOTE:** The Environmental Agreement states that: *"In the case of traditional knowledge, the agreement of the Aboriginal Peoples providing the traditional knowledge shall be necessary before the information is made public."*

## ABORIGINAL AND COMMUNITY INVOLVEMENT

The meaningful involvement of Aboriginal people in the environmental monitoring program design, as well as the inclusion of Traditional Knowledge/Inuit Qaujimajatuqangit (TK/IQ) has been an EMAB priority since EMAB's creation. In the past, EMAB has tried various ways to encourage Diavik to take action on their EA commitment.

The EA notes that EMAB can form such a panel (4.9 b). EMAB has previously gathered ad hoc TK/IQ Panels focused on specific topics.

This year, two developments took place. Diavik included a TK/IQ component in the revised version of the AEMP and began implementation. EMAB formed a standing TK/IQ Panel that will, for now, focus on wildlife and closure.

### Traditional Knowledge/Inuit Qaujimajatuqangit Panel Workshop – May 2011

The intent of this workshop, organized by EMAB, was to:

- review the current TK/IQ situation with respect to monitoring at Diavik,
- review a draft Terms of Reference for an EMAB TK Panel, and
- provide recommendations for consideration by EMAB.

We included members of Snap Lake Environmental Monitoring Agency Traditional Knowledge Panel so they could share their experiences and lessons learned.

Key messages:

- Respect TK/IQ and science equally
- Work respectfully and cooperatively
- Document and share TK/IQ information so that Elders don't have to repeat themselves on the topics

- Try to include youth in the work, and perhaps in the Panel itself
- Address cumulative impacts
- Encourage inter-panel cooperation so panels don't work in isolation
- Address closure plans and post-closure monitoring (ie. monitoring is a long-term commitment)
- Ensure use of resource/technical people known to and trusted by Elders
- Focus on wildlife and water, including groundwater
- Maintain openness and transparency in decision-making
- Monitoring should be done to inform caribou recovery strategies
- Monitoring is best done as a way of life
- TK monitoring must be properly resourced to do what is needed from community perspectives

### Traditional Knowledge/Inuit Qaujimajatuqangit Panel – March 2012 Session on Caribou Behaviour Monitoring

Due to the fact that Diavik was already working on a program to include TK/IQ in water quality and fish monitoring, EMAB chose to focus on caribou for its first panel session. We launched the new program by requesting that the Aboriginal Parties send participants, preferably the same ones as had been present the previous May – for continuity.

In the past, our focus has been on big projects or proposals, which did not prove feasible due to safety and/or financial reasons. We chose to begin with a limited scope: Diavik conducts what they call Behavioural scans, for which they have a Standard Operating Procedure (SoP). The main objective was

## ABORIGINAL AND COMMUNITY INVOLVEMENT



to complete the workshop with a set of recommendations on how to improve their SoP with TK/IQ, with a larger objective of tackling caribou monitoring generally from the TK/IQ perspective.

### Results:

A short report, with recommendations, was approved at the session. EMAB members reviewed the recommendations and forwarded them to Diavik. At the next session in June, Diavik informed the panel members that they were implementing these recommendations.

A longer report, with a broader view, was produced – to be reviewed at the next session by panel members.

### Traditional Knowledge/Inuit Qaujimaqatugangit Panel – June 2012 Session on Caribou Behaviour Monitoring & Mine Closure and Reclamation

Closure was the next topic to be addressed at a panel session because:

- Elders noted at both the original workshop and the March session that closure was of high importance, and
- Diavik has deadlines it needs to meet regarding closure.

At the previous session, panel members also noted that youth should be included, as they would be the ones ultimately responsible for the land.

This session was organized in three sections:

- Review of the report from March. The group decided as a whole that they needed more time to consider the report. A few changes were suggested. Approval was deferred to October.



### TK/IQ Panel

#### KIA Participants:

**John Ivarluk** (May 2011 and March 2012)

**Bobby Algona** (May 2011 and March and June 2012)

**Mark Taletok** (March and June 2012)

### TK/IQ Panel

#### LKDFN Participants:

**George Marlow** (May 2011 and March and June 2012)

**August Enzoe** (May 2011 and March and June 2012)

**Alfred Lockhart** (March and June 2012)

### TK/IQ Panel

#### TG Participants:

**Pierre Beaverho** (May 2011 and March 2012)

**Louis Zoe** (May 2011 and March 2012)

**Jonas Lafferty** (translator - May 2011 and March 2012)

**Marie Rose Blackduck** (translator – May 2011)

**James Rabesca** (translator – March and June 2012)

**Berna Martin** (translator – June 2012)



## ABORIGINAL AND COMMUNITY INVOLVEMENT

### TK/IQ Panel YKDFN Participants:

Phil Liske (May and June 2011)

Fred Sangris (March and  
June 2012)

### TK/IQ Panel NSMA Participants:

Ed Jones (May 2011 and  
March 2012)

Wayne Langenham (March 2012)

Sue Enge (June 2012)

### Youth/ Participants June 2012

#### KIA

Randy Hinanik  
Mona Himiak

#### LKDFN

Darien Marlowe  
Helena Marlowe

#### TG

Skye Ekendia  
Andy Gon

#### NSMA

Jacqueline Strong  
Nicole Enge



- A “workshop” on closure and, specifically the North Country Rock Pile. Diavik will begin to “close” this area of the mine and are seeking direction from the panel on various issues, such as slopes and vegetation. Various staff and consultants presented.
- Panel discussions. The group noted that many panellists were unfamiliar with the rock pile and that informed recommendations could not be made without seeing it for themselves.

#### Results:

Of several recommendations developed by the panel, one has been approved by EMAB and forwarded to Diavik: “That EMAB work with Diavik to plan a site visit by the TQ/IQ Panel to learn firsthand about the Country Rock pile, with follow-up activities to prepare recommendations on rock pile closure and reclamation planning; the site visit should include an overnight stay at the Community-Based Monitoring Camp.”

The remainder of the recommendations were to be discussed at EMAB’s next formal meeting.



NOTE: The Environmental Agreement states that: “*In the case of traditional knowledge, the agreement of the Aboriginal Peoples providing the traditional knowledge shall be necessary before the information is made public.*”

### Capacity Building Program (CBP)

EMAB has budgeted \$150,000 annually to the CBP, which was launched in 2001. The goal of the program was to fill a need for additional community capacity in relation to environmental monitoring at the Diavik site.

In 2011, Diavik and EMAB submitted budgets to the minister of AANDC (EA clause 4.8.e.v.). When this occurs, the choice of which budget EMAB will adhere to is at the Minister’s discretion. Diavik’s budget was chosen and it did not include a budget line for the CBP.

Subsequently, we conducted a 10-year analysis of the program and concluded that the funds could be used more efficiently and with more meaningful results in other programs.

## COMMUNICATION

Aside from communication efforts involved with regards to most of EMAB's strategic plan categories, the Environmental Agreement sets out several requirements related to communication.

### Annual General Meeting (AGM)

EMAB holds an AGM in the fall. Normally this meeting is held in September; however, in 2011 we held the meeting in October to coincide with the arrival of the new Executive Director.

Doug Crossley was re-elected Chair, Ted Blondin was re-elected Vice Chair, and Floyd Adlem was re-elected as Secretary Treasurer.

Due to unforeseen circumstances, Ted Blondin was unable to continue on the Board. We would like to thank him for his years of participation and hard work.

### Annual Report

Each year, EMAB produces an annual report.

*"The Advisory Board shall provide an annual report of its activities and recommendations to the Parties and the Government of Nunavut. The annual report shall be made available to the public." (EA 4.7)*

### Communication Plan

After EMAB approved its first strategic plan in 2007, a communication plan was developed. This year, we approved a strategic plan for 2012-2017; therefore, the communication plan will be reviewed and updated to ensure that efforts in this area support the Board's work in fulfilling its mandate.

*"The Advisory Board shall develop a Communication Plan. The Communication Plan shall ensure timely, effective, efficient, and consistent communication of information related to the environmental management of the Project." (EA 14.2)*

### Public Registry

EMAB maintains a library of documents, such as correspondence, plans, programs and reports, related to the environmental management of the mine. This library is located at our offices in Yellowknife. In the coming years, we will be creating a digital library that will be accessible to the public, through the Internet.

*"The Advisory Board shall maintain a public registry and a listing of all materials placed on the public registry. All written correspondence, reports, or other materials received by the Advisory Board that relate to this Agreement shall be placed on the public registry in the Advisory Board's office and shall be made available to the public." (EA 14.3)*

## AUDITOR'S REPORT

**Management's Report**

The management of the Environmental Monitoring Advisory Board is responsible for the financial statements presented here. The statements have been prepared as set out in the notes attached and were audited by MacKay LLP following generally accepted accounting principles.

EMAB management includes budget and financial controls to provide reasonable assurance that spending is authorized, transactions are correctly recorded, and financial records are accurate.



Floyd Adlem  
Secretary Treasurer

**Independent Auditors' Report****To the Board of Directors of  
Environmental Monitoring Advisory Board**

We have audited the accompanying financial statements of Environmental Monitoring Advisory Board which comprises the statement of financial position as at March 31, 2012 and the statements of operations - operating fund, changes in equipment fund, and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

*Management's responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian Generally Accepted Accounting Principles, and such for internal control as management determines is necessary to enable preparation of financial statements that are free from material misstatement, whether due to fraud or error.

*Auditors' Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion

*Opinion*

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Board as at March 31, 2012 and the results of its operations for the year then ended in accordance with Canadian Generally Accepted Accounting Principles.

*Other Matter*

The financial statements of Environmental Monitoring Advisory Board for the year ended March 31, 2011 were audited by another auditor who expressed an unmodified opinion on those statements on October 12, 2011.



Chartered Accountants

Yellowknife, Northwest Territories  
August 30, 2012

## AUDITOR'S REPORT

## Environmental Monitoring Advisory Board

## Statement of Operations - Operating Fund

For the year ended March 31,	Budget (Unaudited)	2012	2011
<b>Revenue</b>			
Diavik Diamond Mines Inc	\$ 726,000	\$ 726,000	\$ 569,000
Government of Canada DIAND	-	-	6,700
Government of NWT	-	-	6,700
Interest income	5,000	6,376	3,403
Cost recovery	-	-	2,890
	<b>731,000</b>	<b>732,376</b>	<b>588,693</b>
	-	-	-
<b>Program expenditures</b>			
Administration (Schedule 1)	67,650	82,207	120,276
Management services (Schedule 2)	288,350	286,810	265,100
Board expenditures (Schedule 3)	142,000	97,907	148,904
Community updates (Schedule 4)	15,000	3,224	15,228
Capacity funding (Schedule 5)	50,000	-	90,000
Traditional Knowledge (Schedule 6)	165,000	106,144	73,058
Capital asset purchases	3,000	8,721	3,206
	<b>731,000</b>	<b>585,013</b>	<b>715,772</b>
<b>Excess revenue (expenditures)</b>	-	<b>147,363</b>	<b>(127,079)</b>
<b>Deferred revenue</b>	-	<b>(147,363)</b>	<b>(45,161)</b>
<b>Excess revenue (expenditures)</b>	-	-	<b>(172,241)</b>
<b>Balance Operating Fund, beginning of year</b>	-	-	<b>172,242</b>
<b>Balance Operating Fund, end of year</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

## AUDITOR'S REPORT

### Environmental Monitoring Advisory Board

#### Statement of Financial Position

As at March 31,	2012	2011
<b>Assets</b>		
<b>Current</b>		
Cash	\$ 927,685	\$ 837,444
Accounts receivable (Note 4)	-	7,070
Prepaid expenses	4,043	2,627
	<b>931,728</b>	<b>847,141</b>
<b>Equipment (Note 5)</b>	<b>11,834</b>	<b>11,136</b>
	<b>\$ 943,562</b>	<b>\$ 858,277</b>
<b>Liabilities</b>		
<b>Current</b>		
Accounts payable and accrued liabilities	\$ 51,365	\$ 62,555
Deferred revenue	880,363	784,586
	<b>\$ 931,728</b>	<b>\$ 847,141</b>
<b>Net Assets</b>		
<b>Equipment fund</b>	<b>\$ 11,834</b>	<b>\$ 11,136</b>
<b>Operating fund</b>	<b>-</b>	<b>-</b>
	<b>\$ 11,834</b>	<b>\$ 11,136</b>
	<b>\$ 943,562</b>	<b>\$ 858,277</b>



## AUDITOR'S REPORT

**Environmental Monitoring Advisory Board****Statement of Changes in Equipment Fund**

<b>For the year ended March 31,</b>	<b>2012</b>	<b>2011</b>
<b>Equipment Fund, beginning of year</b>	<b>\$ 11,136</b>	<b>\$ 12,017</b>
<b>Equipment additions</b>	<b>8,721</b>	<b>3,206</b>
<b>Amortization</b>	<b>(8,023)</b>	<b>(4,087)</b>
<b>Equipment Fund, end of year</b>	<b>\$ 11,834</b>	<b>\$ 11,136</b>

**Statement of Cash Flows**

<b>For the year ended March 31,</b>	<b>2012</b>	<b>2011</b>
<b>Cash provided by (used in)</b>		
<b>Operating activities</b>		
Excess revenue (expenditures) - operating fund	\$ -	\$ (172,242)
Items not affecting cash		
Change in non-cash operating working capital		
Accounts receivable	7,070	(2,700)
Prepaid expenses	(1,416)	(2,625)
Accounts payable and accrued liabilities	(11,190)	(79,291)
Refundable contributions	88,777	45,161
Deferred revenue	7,000	157,000
	<b>90,241</b>	<b>(54,697)</b>
<b>Change in cash position</b>	<b>90,241</b>	<b>(54,697)</b>
<b>Cash position, beginning of year</b>	<b>837,444</b>	<b>892,141</b>
<b>Cash position, end of year</b>	<b>\$ 927,685</b>	<b>\$ 837,444</b>

## AUDITOR'S REPORT

### Environmental Monitoring Advisory Board

#### Notes to Financial Statements

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March 31, 2012

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#### 1. Organization and Jurisdiction

The Environmental Monitoring and Advisory Board (the "Board") is a not-for-profit organization established as a requirement of the *Diavik Environmental Agreement*. It aims to provide a meaningful role for Aboriginal People in the review and implementation of environmental monitoring plans with respect to the Diavik Diamond Mine site in the Northwest Territories. The Board will be in place until full and final reclamation of the mine is complete.

The Board is exempt from income tax under section 149(1)(l) of the *Income Tax Act*.

#### 2. Significant Accounting Policies

The following is a summary of the significant accounting policies used by management in the preparation of these financial statements.

##### (a) Financial Instruments – Recognition and Measurement

Section 3855 requires that all financial assets and financial liabilities be measured at fair value on initial recognition except for certain related party transactions. Measurement in subsequent periods depends on whether the financial asset or liability has been classified as held-for-trading, available-for-sale, held-to-maturity, loans and receivables or other liabilities.

Financial instruments classified as held-for-trading are subsequently measured at fair value and unrealized gains and losses are included in net income in the period in which they arise. Cash has been classified as held-for-trading.

Held to maturity assets are those non-derivative financial assets with fixed or determinable payments and fixed maturity that the Board has an intention and ability to hold until maturity, excluding those assets that have been classified as held-for-trading, available-for-sale, or loans and receivables. They are subsequently measured at amortized cost using the effective interest method. No assets have been classified as held to maturity.

Financial instruments classified as loans and receivables are non-derivative financial assets resulting from the delivery of cash or other assets by a lender to a borrower in return for a promise to repay on a specified date or dates, or on demand, usually with interest. These assets do not include debt securities or assets classified as held-for-trading. They are subsequently measured at amortized cost using the effective interest method. Accounts receivable have been classified as loans and receivables.

Accounts payable and accrued liabilities; deferred revenue and refundable contributions are classified as other financial instruments and are measured at cost or amortized cost.

## AUDITOR'S REPORT

### Environmental Monitoring Advisory Board

#### Notes to Financial Statements

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March 31, 2012

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#### 2. Significant Accounting Policies (continued)

##### (b) Fund Accounting

The Board uses fund accounting to segregate transactions between its Operating Fund and Equipment Fund. The Operating Fund accounts for the Board's operating and administrative activities. The Equipment Fund reports the assets, liabilities, revenues and expenses related to equipment.

##### (c) Equipment

Purchased equipment is recorded in the Equipment Fund at cost. Amortization is recorded in the Equipment Fund using the declining balance method at rates set out in note 5.

##### (d) Revenue Recognition

The Board follows the deferral method of accounting for contributions. Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and its collection is reasonably assured. Contributions which are not expensed in the current year are set up as deferred funding to be used in the future year when services are provided and goods acquired or refundable contributions that must be repaid to the contributor.

##### (e) Unexpended Funds

On January 16, 2011 an Arbitration Award findings resulted in a change in accounting policy for the recognition and treatment of unexpended funds. Previously the Board classified the unexpended funds as unrestricted net assets. Beginning in 2011, unexpended funds are classified as net unexpended contributions repayable. The Board may not accumulate unrestricted net assets from unexpended Diavik Diamond Mines Inc. funds over a two year period.

##### (f) Allocation of Expenses

The Board allocates expenditures according to its chart of accounts. Expenditures are allocated to Administrative expenses, Board expenses, Management expenses and Traditional Monitoring expenses based on the nature of the expenses.

##### (g) Use of Estimates

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the updated amounts of revenues and expenses during the period. Actual results could differ from those estimates.

## AUDITOR'S REPORT

## Environmental Monitoring Advisory Board

## Notes to Financial Statements

March 31, 2012

## 3. Future Accounting Changes

## Accounting Standards for Not-For-Profit Organizations.

In December 2010, the Accounting Standards Board issued a comprehensive set of new Canadian accounting standards for not-for-profit organizations (ASNPO) effective for fiscal periods beginning on or after January 1, 2012. When the end of a not-for-profit organization's annual reporting period does not coincide with the end of the calendar year, the mandatory date for first-time adoption of ASNPO is effective for fiscal periods beginning on or after December 31, 2011. Early adoption is permitted. The Board is currently analyzing the effects of these changes on its financial statements.

## 4. Accounts Receivable

	2012	2011
Government of Northwest Territories	\$ -	\$ 6,700
Other	-	370
	<b>\$ -</b>	<b>\$ 7,070</b>

## 5. Equipment

				2012	2011
	Rate	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Furniture and fixtures	30%	\$ 15,154	\$ 13,247	\$ 1,907	\$ 2,724
Office equipment	30%	26,199	21,042	5,157	1,597
Computer equipment	30-100%	46,758	41,988	4,770	6,815
		<b>\$ 72,957</b>	<b>\$ 63,030</b>	<b>\$ 11,834</b>	<b>\$ 11,136</b>

## AUDITOR'S REPORT

**Environmental Monitoring Advisory Board****Notes to Financial Statements****March 31, 2012****6. Interfund Transfer**

The amount of \$8,721 (2011 - \$3,206 ) consists of the transfers from the Operating Fund to the Equipment Fund to fund the acquisition of assets.

**7. Financial Instruments**

The following sections describe the Board's financial risk management objectives and policies and the Board's financial risk exposures.

**Financial risk management objectives and policies**

The Board does not have formal risk management objectives and policies but it operates with the goal of recovering 100% of its expenditures.

**8. Commitments**

The Board has entered into contracts for lease of office premises with the following future minimum payments:

	Total
2012	\$ 31,500
2013	23,625
	<b>\$ 55,125</b>



## Environmental Monitoring Advisory Board

### Notes to Financial Statements

March 31, 2012

#### 9. Capital Disclosure

The Board's objectives when managing capital are:

(a) To safeguard the Board's ability to continue to fulfill its mandate under the *Diavik Environmental Agreement*.

The Board manages the capital structure in light of changes in economic conditions and the risk characteristics of the underlying assets. The Board monitors capital on the basis of the working capital calculation. This is calculated as current assets minus current liabilities as follows:

	2012	2011
Current assets	\$ 931,728	\$ 847,141
Current liabilities	(931,728)	(847,141)
	<b>\$ -</b>	<b>\$ -</b>

#### 10. Comparative Figures

Certain of the prior year figures have been reclassified to conform with the current year's presentation.

#### 11. Economic Dependence

The Board is dependant upon funding in the form of contributions from Diavik Diamond Mines Inc. Management is of the opinion that if the funding was reduced or altered, operations would be significantly affected.

## HOW TO CONTACT US

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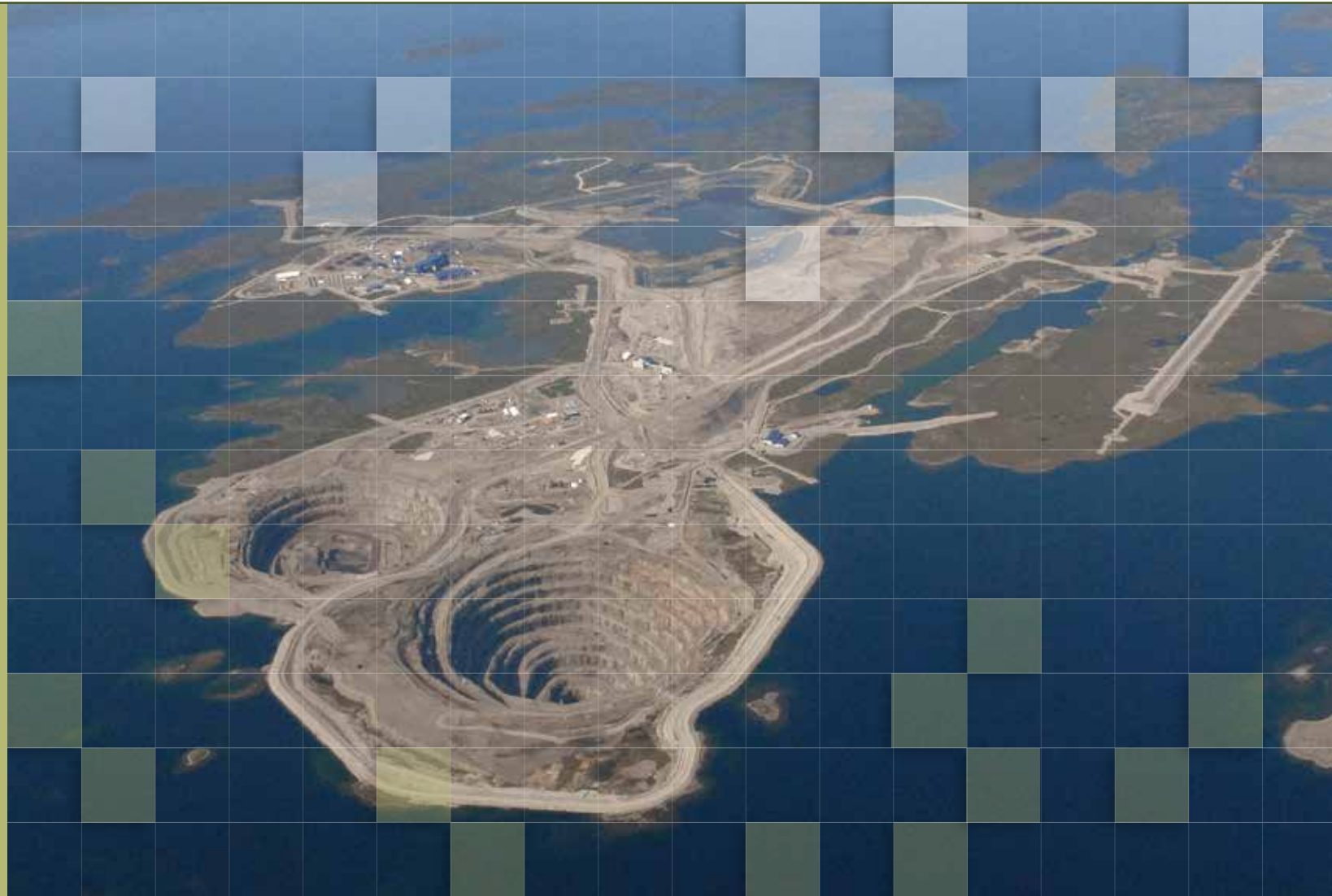
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Board Members can be reached  
through the office.



[www.emab.ca](http://www.emab.ca)

Photo credits: EMAB and Diavik Diamond Mines Inc.